

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
)
)
Plaintiff,)
)
v.) Civil Action No. 5:17-cv-01654
)
FEDERAL BUREAU OF)
INVESTIGATION,)
)
Defendant.)
)

DECLARATION OF DAVID M. HARDY

I, David M. Hardy, declare as follows:

(1) I am the Section Chief of the Record/Information Dissemination Section (“RIDS”), Records Management Division (“RMD”), in Winchester, Virginia. I have held this position since August 1, 2002. Prior to my joining the Federal Bureau of Investigation (“FBI”), from May 1, 2001 to July 31, 2002, I was the Assistant Judge Advocate General of the Navy for Civil Law. In that capacity, I had direct oversight of Freedom of Information Act (“FOIA”) policy, procedures, appeals, and litigation for the Navy. From October 1, 1980 to April 30, 2001, I served as a Navy Judge Advocate at various commands and routinely worked with FOIA matters. I am also an attorney who has been licensed to practice law in the State of Texas since 1980.

(2) In my official capacity as Section Chief of RIDS, I supervise approximately 248 employees who staff a total of twelve (12) Federal Bureau of Investigation Headquarters

(“FBIHQ”) units and two (2) field operational service center units whose collective mission is to effectively plan, develop, direct, and manage responses to requests for access to FBI records and information pursuant to the FOIA as amended by the OPEN Government Act of 2007, the OPEN FOIA Act of 2009, and the FOIA Improvement Act of 2016; the Privacy Act of 1974; Executive Order 13526; Presidential, Attorney General, and FBI policies and procedures; judicial decisions; and Presidential and Congressional directives. The statements contained in this declaration are based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.

(3) Due to the nature of my official duties, I am familiar with the procedures followed by the FBI in responding to Plaintiff’s request for information from its files pursuant to the provisions of the FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a. Specifically, I am aware of the FBI’s handling of Plaintiff’s April 3, 2016 FOIA/Privacy Act (“FOIPA”) request concerning records related to himself from January 1, 2007 to April 1, 2016.

(4) This declaration is being submitted in support of Defendant’s Motion to Dismiss. It contains the administrative history of Plaintiff’s FOIPA request.

ADMINISTRATIVE HISTORY OF PLAINTIFF’S FOIPA REQUEST

(5) By email dated April 3, 2016, Plaintiff submitted a FOIPA request seeking access to “any and all information about [him]self that the FBI has in its obsession [sic] from the date range of January 01, 2007 to April 01, 2016, with special attention to the following incident: Any and all FBI federal Investigations (no charges filed) of Paul Robert Jones while employed at the U.S. Department of Veterans Affairs from February 2007 to March of 2011, by the Cleveland

FBI in conjunction with the Office of Inspector General.” Plaintiff attached a completed Certification of Identity form and signed under the penalty of perjury statement. Additionally, Plaintiff requested this information “be expedited for due process reasons, as a motion for post-conviction remedies are pending filing, but it cannot be done with due process rights to Paul Robert Jones without an [sic] FOIA response.” (*See Exhibit A.*)

(6) By letter dated April 12, 2016, the FBI advised Plaintiff it had assigned FOIPA Request No. 1347982-000 to his request, that it was searching the Central Records System (“CRS”) for information responsive to the request, and for the purposes of assessing fees, designated him as a general (all others) requester meaning he would be charged both applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III). (*See Exhibit B.*)

(7) By letter dated April 14, 2016, the FBI advised Plaintiff it had denied his request for expedited processing because he did not provide enough information concerning the statutory requirements for expedition. (*See Exhibit C.*)

(8) By letter dated May 20, 2016, the FBI advised Plaintiff it had located approximately 1,286 pages of records and 4 CDs of audio and video files potentially responsive to the subject of his request.¹ The FBI further advised that pursuant to Department of Justice (“DOJ”) regulations, it is required to notify requesters when anticipated fees exceed \$25.00. The FBI advised releases are made via CD unless otherwise requested; each CD contains up to approximately 500 reviewed pages; the first 100 pages or the cost equivalent (\$5.00) is free of charge; and if all potentially responsive pages were processed for release, Plaintiff would owe

¹ The FBI used information in Plaintiff’s request letter to conduct a reasonable search for responsive records.

\$100.00 in duplication fees (7 CDs at \$15.00 less \$5.00), or \$119.30 if the Plaintiff requested the releases in paper and the 4 CDs containing audio/video files. The FBI reminded Plaintiff the anticipated fees associated with his request were only an estimate, as some information may be withheld in full pursuant to FOIPA exemptions, or may be non-responsive to Plaintiff's FOIPA request. Thus, the actual charges could be less than the estimate provided. Plaintiff was instructed to notify RIDS in writing within thirty (30) days from the date of its letter of the desired release format (CD or paper) and his commitment to pay the estimated fees. RIDS noted that if the FBI did not receive Plaintiff's written format decision and commitment to pay fees within thirty (30) days from the date of its letter, the request would be closed. Lastly, the FBI advised Plaintiff that reducing the scope of his FOIPA request would also reduce the costs associated with the request, and he would receive the requested information quicker. (*See Exhibit D.*)

(9) By letter faxed to the FBI dated June 6, 2016, Plaintiff indicated his willingness to pay the estimated duplication/international shipping fees up to the amount specified in the FBI's May 20, 2016 letter. (*See Exhibit E.*)

(10) By letter dated July 22, 2016, the FBI advised Plaintiff it had determined "unusual circumstances" applied to the processing of his request pursuant to 5 U.S.C. § 552(a)(6)(B)(iii) because there was one or more of the following scenarios: 1) a need to search for and collect records from field offices and/or other offices separate from RIDS; 2) a need to search for, collect, and examine a voluminous amount of separate and distinct records; or 3) a need for consultation with another agency or two or more DOJ components. (*See Exhibit F.*)

(11) On July 22, 2016 and by FBI letter dated as such, Plaintiff agreed to limit the

scope of his FOIPA request to the main section of the file consisting of approximately 305 pages. Accordingly, the FBI moved Plaintiff's request from the large track of the multi-track backlog to the medium track.² The FBI advised since Plaintiff reduced the page count of his request through negotiation, the release would be made on one CD and no fees would be due. (See

Exhibit G.)

(12) On August 7, 2017, Plaintiff filed the instant lawsuit requesting access to the records responsive to his FOIPA request. (See ECF Docket No 1.)

(13) By letter dated August 30, 2017, the FBI made its release of records to Plaintiff. The FBI advised that 274 pages were reviewed under the provisions of the FOIPA and 194 pages were being released in full or part with certain information withheld pursuant to Privacy Act Exemption (j)(2) and FOIA Exemptions 3, 5, 6, 7(C), 7(D), and 7(E). The FBI further advised deletions were made by both the FBI and the Department of Veteran Affairs, and to appeal those denials Plaintiff should write directly to the appropriate agency. Accordingly, the FBI stated although Plaintiff's request was in litigation, he could appeal the FBI's determinations by filing an administrative appeal with the DOJ Office of Information Policy ("OIP") within ninety (90) days. (See Exhibit H.)

(14) The FBI inadvertently mailed the August 30, 2017 release to Plaintiff's former address. The release was returned to the FBI on October 2, 2017. (See Exhibit I.)

² Originally, the FBI located 1,286 pages and 4 CDs of potentially responsive information and audio/video files. Large track requests are those consisting of an excess of 950 pages. The FBI processes requests based on a multi-track backlog, utilizing a "first-in, first-out" policy for each queue. Large track requests spend a much longer time awaiting assignment to a FOIA analyst for processing than small or medium track requests.

(15) The FBI re-mailed the release via FedEx to Plaintiff's current address on October 16, 2017 and FedEx Tracking shows confirmation of delivery on October 17, 2017. (See

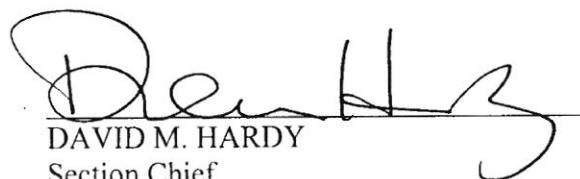
Exhibit J.)

CONCLUSION

(16) The FBI performed a reasonable search for responsive records; it located, processed and released all reasonably segregable non-exempt information for documents responsive to Plaintiff's request that is subject to the FOIA and the Privacy Act; and therefore fulfilled its obligations under the FOIPA in response to Plaintiff's request.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, and that Exhibits A through J attached hereto are true and correct copies.

Executed this 24th day of October, 2017.



DAVID M. HARDY
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Winchester, VA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
v.)
Plaintiff,)
FEDERAL BUREAU OF) Civil Action No. 5:17-cv-01654
INVESTIGATION,)
Defendant.)

)

Exhibit A

Early, Holly H. (RMD) (FBI)

From: Paul Jones [ka8wwk@gmail.com]
Sent: Sunday, April 03, 2016 3:33 PM
To: FOIPAResquest
Subject: FOIA Records/Information release
Attachments: FORM DOJ-361 request.pdf

TO:

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391/4997
E-mail: foiparequest@ic.fbi.gov

FROM:

Paul R. Jones
748 1/2 Kenmore BLVD
Akron, Ohio 44314
email: ka8wwk@gmail.com

RE: FOIA / DOJ Form 361 request

Dear Information Officer,

I am requesting an FOIA/ DOJ-361 form release regarding any and all information about myself that the FBI has in its obsession from the date range of January 01, 2007 to April 01, 2016, with special attention to the following incident:

Any and all FBI federal Investigations (no charges filed) of Paul Robert Jones while employed at the U.S. Department of Veterans Affairs from February 2007 to March of 2011, by the Cleveland FBI in conjunction with the Office of Inspector General. A separate FOIA with DOJ Form 301 will be attached and requested upon the Office of Inspector General with a copy of this email and form 301 attached for reference purposes.

Per the FBI's FOIA policy located at <https://www.fbi.gov/foia/requesting-fbi-records>, a detail of explanation of the incident is briefly included and as follows:

I was accused, by never charged, as a suspect in a "threatening letter investigation" by the FBI, Department of Veterans Affairs Police, and the Office of Inspector General in late 2009. Subsequently, I was investigated for an unrelated incident on an alleged missing patient ring in April of 2010 as a result of my complaint on the way the FBI and Dept. of Veterans Affairs treated me in the 2009 investigation. As a result, I was forced to accept a misdemeanor plea regarding the missing patient ring in the Cuyahoga County Court of Common Pleas (case number CR-11-551285A) in January of 2013, due to the interference and repeated injection of the FBI in that unrelated, state case. The U.S. attorney and the FBI's involvement is well noted in the online docket. See the March 06, 2012 entry involving Assistant U.S. Attorney Renec A. Bacchus.

The release of this information is requested to be expedited for due process reasons, as a motion for post-conviction remedies are pending filing, but it cannot be done with due process rights to Paul Robert Jones without an FOIA response. The amount and length of involvement of the FBI and US attorney was an unfair

and undue influence on not only the unrelated state case, but was a negative influence on Paul Robert Jones's decision to accept of plea. It should be noted the other reason why Mr. Jones is making this FOIA request, is because Mr. Jones has on audio recording his court appointed attorney at the time stating that the U.S. attorney and FBI told him that if "Paul" pursued the motion to suppress and kept fighting this case, that they would "dismiss the state charges and file a charge in federal court." It was comments like that that adversely affected Mr. Jones's decision to accept a plea. Had those statement not been made, Mr. Jones would have rejected any plea. The information and investigation of any trash pulls, admitted that they were done by the Cleveland FBI, any interviews of myself, reports, and any and all information that the U.S. attorney was willing to turn over to defense attorney Reuben Sheperd in Ms. Bacchus's conversation with Mr. Sheperd, is asked to be disclosed in this request.

Regards,

Paul Robert Jones

attached: Form DOJ-361

C: U.S. Senator Sherrod Brown, Constituent Services, RE: Paul R. Jones correspondences and file.

C: Office of the Inspector General FOIA request

U.S Department of Justice

Certification of Identity

FORM APPROVED OMB NO. 1103-0016
EXPIRES 03/31/17

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester¹ Paul Robert JonesCitizenship Status² U.S. citizenSocial Security Number³ FRCP 5.2Current Address 748 1/2 Kenmore BLVDDate of Birth FRCP 5.2Place of Birth Dover, Ohio**OPTIONAL: Authorization to Release Information to Another Person**

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person. Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature⁴ Paul Robert JonesDate 03 April 2016¹ Name of individual who is the subject of the record(s) sought.² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.⁴ Signature of individual who is the subject of the record sought.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
v.)
Plaintiff,)
FEDERAL BUREAU OF) Civil Action No. 5:17-cv-01654
INVESTIGATION,)
Defendant.)

)

Exhibit B



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 12, 2016

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT (JANUARY
1, 2007 – APRIL 1, 2016)

Dear Mr. Jones:

This acknowledges receipt of your Freedom of Information/Privacy Acts (FOIPA) request to the FBI.

- Your request has been received at FBI Headquarters for processing.
- Your request has been received at the _____ Resident Agency / _____ Field Office and forwarded to FBI Headquarters for processing.
- We are searching the indices to our Central Records System for the information responsive to this request. We will inform you of the results in future correspondence.
- The subject of your request is currently being processed for public release. Documents will be released to you upon completion.
- Release of responsive records will be made to the FBI's FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- Your request for a fee waiver is being considered and you will be advised of the decision at a later date. If your fee waiver is denied, you will be charged fees in accordance with the category designated below.
- For the purpose of assessing fees, we have made the following determination:
 - As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
 - As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
 - As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

Please check for the status of your FOIPA request at www.fbi.gov/foia by clicking on **Check the Status of Your FOIPA Request under Records Available Now** located on the right side of the page. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

PAUL R. JONES,)
v.)
Plaintiff,)
)
FEDERAL BUREAU OF) Civil Action No. 5:17-cv-01654
INVESTIGATION,)
Defendant.)
)

Exhibit C

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

April 14, 2016

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT (JANUARY 1,
2007-APRIL 1, 2016)

Dear Mr. Jones:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards, expedited processing can only be granted in the following situations.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i): "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii): "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii): "The loss of substantial due process of rights."
- 28 C.F.R. §16.5 (e)(1)(iv): "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have not provided enough information concerning the statutory requirements for expedition; therefore, your request is denied.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Hardy".

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
v.)
Plaintiff,)
FEDERAL BUREAU OF) Civil Action No. 5:17-cv-01654
INVESTIGATION,)
Defendant.)

Exhibit D

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

May 20, 2016

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT (JANUARY
1,2007-APRIL 1, 2016)

Dear Mr. Jones:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request.

The Federal Bureau of Investigation (FBI) has located approximately 1,286 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.

- If all potentially responsive pages are released on CD, you will owe \$40.00 in duplication fees (3 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$59.30 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.

- You submitted your request via the FBI's eFOIA system. Releases will be made to you electronically, and you will owe ____ in duplication fees (____ releases at \$15.00 each, less \$5.00 credit for the first release).
- The FBI located approximately 4 CDs consisting of audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$60.00 (4 CDs at \$15.00 each).
- CDs will not be sent to a correctional institution. You will only qualify for CD releases if an alternate address is provided.
- You will owe approximately \$____ in international shipping fees.

The estimated total cost for processing your request is approximately \$100.00 for CD releases or \$119.30 for paper releases and 4 CD's containing audio/video files.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemption(s). Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

Requester Response

No payment is required at this time. If your request does not qualify for eFOIA releases, you must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD). You must also indicate your preference in the handling of your request in reference to the estimated duplication fees from the following four (4) options:

- I am willing to pay estimated duplication/ international shipping fees up to the amount specified in this letter.
- I am willing to pay fees of a different amount.

Please specify amount: _____

- Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay International shipping fees
- Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: **Work Process Unit; Record Information/Dissemination Section; Records Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22602.** You may also fax your response to: 540-868-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,



David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
v.)
Plaintiff,) Civil Action No. 5:17-cv-01654
FEDERAL BUREAU OF)
INVESTIGATION,)
Defendant.)

)

Exhibit E

06/06/2016 14:58 FAX

001

U.S. Department of Justice



ATTN: WORK PROCESSING UNIT
TO: 5410-868-4997
Pages = 2

Federal Bureau of Investigation
Washington, D.C. 20535

May 20, 2016

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT (JANUARY
1,2007-APRIL 1, 2016)

Dear Mr. Jones:

This is in reference to your Freedom of Information/Privacy Acts (FOIPA) request.

The Federal Bureau of Investigation (FBI) has located approximately 1,286 pages of records potentially responsive to the subject of your request. By DOJ regulation, the FBI notifies requesters when anticipated fees exceed \$25.00.

Please be advised that you are entitled to the first 100 pages free of charge. If the release is made on Compact Disc (CD), you will receive the cost equivalent (\$5.00) as a credit.



If all potentially responsive pages are released on CD, you will owe \$40.00 in duplication fees (3 CDs at \$15.00 each, less \$5.00 credit for the first CD). Releases are made on CD unless otherwise requested. Each CD contains approximately 500 reviewed pages per release. The 500 page estimate is based on our business practice of processing complex cases in segments.

Should you request that the release be made in paper, you will owe \$59.30 based on a duplication fee of five cents per page. See 28 CFR §16.10 and 16.49.



You submitted your request via the FBI's eFOIA system. Releases will be made to you electronically, and you will owe ____ in duplication fees (____ releases at \$15.00 each, less \$5.00 credit for the first release).



The FBI located approximately 4 CDs consisting of audio and video files that are potentially responsive to the subject of your request. If all of the potentially-responsive media is released, you will owe \$60.00 (4 CDs at \$15.00 each).



CDs will not be sent to a correctional institution. You will only qualify for CD releases if an alternate address is provided.



You will owe approximately \$____ in international shipping fees.

The estimated total cost for processing your request is approximately \$100.00 for CD releases or \$119.30 for paper releases and 4 CD's containing audio/video files.

Please remember this is only an estimate, and some of the information may be withheld in full pursuant to FOIA/Privacy Act exemption(s). Also, some information may not be responsive to your subject. Thus, the actual charges could be less.

08/06/2018 14:58 FAX

002

Requester Response

No payment is required at this time. If your request does not qualify for eFOIA releases, you must notify us in writing within thirty (30) days from the date of this letter of your format decision (paper or CD). You must also indicate your preference in the handling of your request in reference to the estimated duplication fees from the following four (4) options:



I am willing to pay estimated duplication/international shipping fees up to the amount specified in this letter.



I am willing to pay fees of a different amount.

Please specify amount: _____



Provide me 100 pages or the cost equivalent (\$5.00) free of charge. If applicable, I am willing to pay international shipping fees.



Cancel my request.

If we do not receive your duplication format decision and/or estimated duplication fee selection within thirty (30) days of the date of this notification, your request will be closed. Include the FOIPA Request Number listed above in any communication regarding this matter.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You have the opportunity to reduce the scope of your request; this will accelerate the process and could potentially place your request in a quicker processing queue. This may also reduce search and duplication costs and allow for a more timely receipt of your information. The FBI uses a multi-queue processing system to fairly assign and process new requests. Simple request queue cases (50 pages or less) usually require the least time to process.

Please advise in writing if you would like to discuss reducing the scope of your request and your willingness to pay the estimated search and duplication costs indicated above. Provide a telephone number, if one is available, where you can be reached between 8:00 a.m. and 5:00 p.m., Eastern Standard Time. Mail your response to: Work Process Unit; Record Information/Dissemination Section; Records Management Division; Federal Bureau of Investigation; 170 Marcel Drive; Winchester, VA 22802. You may also fax your response to: 540-888-4997, Attention: Work Process Unit.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

Pawel J. Ruz
Applicant

Faxed
6/6/16
2:49pm

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

PAUL R. JONES,)
)
)
Plaintiff,)
)
v.) Civil Action No. 5:17-cv-01654
)
FEDERAL BUREAU OF)
INVESTIGATION,)
)
Defendant.)
)

Exhibit F

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

July 22, 2016

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT (JANUARY
1, 2007-APRIL 1, 2016)

Dear Mr. Jones:

Please be advised that we have determined "unusual circumstances" apply to the processing of your request. See 5 U.S.C. § 552 (a)(6)(B)(iii). "Unusual circumstances" include one or more of the following scenarios:

There is a need to search for and collect records from field offices and/or other offices that are separate from the FBI Record/Information Dissemination Section (RIDS).

There is a need to search for, collect, and examine a voluminous amount of separate and distinct records.

There is a need for consultation with another agency or two or more DOJ components.

These "unusual circumstances" will delay our ability to make a determination on your request. Additionally, the payment of pertinent fees may apply to your request. See 5 U.S.C. § 552 (a)(4)(A)(viii).

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Hardy".

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
Plaintiff,)
v.) Civil Action No. 5:17-cv-01654
FEDERAL BUREAU OF)
INVESTIGATION,)
Defendant.)

Exhibit G

U.S. Department of Justice



Federal Bureau of Investigation
Washington, D.C. 20535

July 22, 2016

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT

Dear Mr. Jones:

Reference is made to your Freedom of Information Act (FOIA) request for FBI records concerning yourself. This letter will serve to document your email exchange with my representative, Ms. Bronson, concluding on July 22, 2016.

Ms. Bronson explained that your request is currently in the large track of our multi-track backlog of unassigned FOIA requests. This track contains requests for records in excess of 950 pages and assignments from this queue to our FOIA Processing Units are typically delayed for a significant amount of time. Ms. Bronson indicated that the FBI located approximately 1,286 pages potentially related to your subject and you were offered the opportunity to reduce the scope of your request to accelerate its assignment for processing. Based on that exchange, you agreed to limit the request to the main section of the file.

There is a charge of \$15 per CD, but because this release will be made on one CD, there will not be any fees due. Department of Justice regulations provide 100 pages of material, or its equivalent free of charge. As applied to releases on CD, there is a \$5 credit for the first CD; therefore the cost of the CD is \$10. The FBI does not bill for amounts less than \$25, so the \$10 for the cost of this CD will be waived.

Through negotiation, your request was reduced from a large track request of 1,286 pages to a request of approximately 305 pages, which will speed its processing time. We certainly appreciate your consideration in this matter and solicit your continued patience. If you have any further questions, please do not hesitate to telephone Ms. Bronson at 540-868-1695.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Hardy".

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PAUL R. JONES,)
v.)
Plaintiff,)
FEDERAL BUREAU OF) Civil Action No. 5:17-cv-01654
INVESTIGATION,)
Defendant.)

)

Exhibit H



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

August 30, 2017

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD
AKRON, OH 44314

FOIPA Request No.: 1347982-000
Subject: JONES, PAUL ROBERT
(JANUARY 1, 2007 – APRIL 1, 2016)

Dear Mr. Jones:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

| Section 552 | Section 552a |
|---|---|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) |
| <input checked="" type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) |
| <u>50 U.S.C. §3024(i)(1)</u> | <input checked="" type="checkbox"/> (b)(7)(D) |
| <u>Federal Rules of Criminal Procedure, Rule 6(e)</u> | <input checked="" type="checkbox"/> (b)(7)(E) |
| <u>31 U.S.C. §5311</u> | <input type="checkbox"/> (b)(7)(F) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) |
| <input checked="" type="checkbox"/> (b)(6) | |
| | <input type="checkbox"/> (d)(5) |
| | <input checked="" type="checkbox"/> (j)(2) |
| | <input type="checkbox"/> (k)(1) |
| | <input type="checkbox"/> (k)(2) |
| | <input type="checkbox"/> (k)(3) |
| | <input type="checkbox"/> (k)(4) |
| | <input type="checkbox"/> (k)(5) |
| | <input type="checkbox"/> (k)(6) |
| | <input type="checkbox"/> (k)(7) |

274 pages were reviewed and 194 pages are being released.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- This information has been referred to the OGA(s) for review and direct response to you.
- We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.
- In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

Although your request is in litigation, we are required by 5 USC § 552 (a)(6)(A) to provide you the following information concerning your right to appeal. You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures (2)

The enclosed documents represent the final release of information responsive to your narrowed Freedom of Information/Privacy Acts (FOIPA) request and are Bates stamped Jones-1-274. This material is being provided to you at no charge. To minimize costs to both you and the FBI, duplicate copies of the same document were not processed.

The enclosed documents responsive to your request are exempt from disclosure in their entirety pursuant to the Privacy Act, Title 5, United States Code, Section 552(a), subsection (j)(2). However, these records have been processed pursuant to the Freedom of Information Act, Title 5, United States Code, Section 552, thereby affording you the greatest degree of access authorized by both laws.

Deletions were made by the FBI and the Department of Veteran Affairs (VA). To appeal those denials, please write directly to the appropriate agency.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

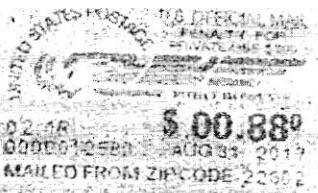
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

)
PAUL R. JONES,)
)
)
Plaintiff,)
)
)
v.) Civil Action No. 5:17-cv-01654
)
FEDERAL BUREAU OF)
INVESTIGATION,)
)
Defendant.)
)

Exhibit I



RECEIVE
OCT 02 2017
Opened by FBI - Winchester
RMS: R. M. S.

**U.S. Department of Justice
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602**

MR. PAUL ROBERT JONES
748 1/2 KENMORE BOULEVARD

JONE748 443145238-1916 09/28/17
FORWARD TIME EXP RTN TO SEND
JONES
321 STANTON AVE
AKRON OH 44301-1452

RETURN TO SENDER

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

PAUL R. JONES,)
v.)
Plaintiff,)
FEDERAL BUREAU OF) Civil Action No. 5:17-cv-01654
INVESTIGATION,)
Defendant.)

)

Exhibit J



October 19, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **413272197641**.

Delivery Information:

| | | | |
|-------------------|--|--------------------|--------------------|
| Status: | Delivered | Delivered to: | FedEx Location |
| Signed for by: | H. STATON | Delivery location: | AKRON, OH |
| Service type: | FedEx Standard Overnight | Delivery date: | Oct 17, 2017 15:26 |
| Special Handling: | Deliver Weekday Residential Delivery Direct Signature Required | | |

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

| | | | |
|------------------|--------------|------------|--------------|
| Tracking number: | 413272197641 | Ship date: | Oct 16, 2017 |
|------------------|--------------|------------|--------------|

Recipient: Shipper:

Thank you for choosing FedEx.